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February 21, 2024

The Honorable Will Smith  
Chair, Judicial Proceedings Committee  
11 Bladen Street  
Annapolis, MD 21401

Dear Chair Smith and Committee Members:

On behalf of the Montgomery County State's Attorney's Office and the Maryland State's Attorneys' Association, I write in support of SB315—Vehicle Laws - Bike Lanes and Shoulders - Yielding Right-of-Way (Sarah Debbink Langenkamp Memorial Act). I am an Assistant State's Attorney assigned to the Felony Trial Division and Acting Supervisor of the Traffic Fatality Unit.

Section 21-1209 of the Maryland Transportation Article exists to protect operators of bicycles, electronic personal assistive mobility devices (EPAMDs), and motor scooters by establishing responsibilities of and restrictions on drivers of motor vehicles who share the road with them. These responsibilities are common sense – exercise due care, pass at a safe distance, don't throw objects at or open a car door into a cyclist, and often most importantly, yield the right of way to a person lawfully riding a bicycle, EPAMD, or motor scooter in a designated bike lane or roadway shoulder. At present, a violation of one of these provisions is a payable citation, even when it contributes to an accident or a death. This bill would make a violation contributing to an accident subject to a penalty of 2 months or a fine not exceeding \$2,000. This penalty would be in line with protections already afforded to other vulnerable users of the roadway, including pedestrians (21-502), wheel chair users (21-501.1), and cyclists and play vehicle operators (21-1202).

Adding an incarcerable penalty will also serve the overall interests of the community and Criminal Justice system. Not only does it increase accountability of the offending drivers, it provides judges greater discretion to appropriately differentiate more serious cases, like those involving fatalities or subsequent offenders. The new penalty provision will also make a violation contributing to an accident a must appear offense. Over the past 9 years, I have handled dozens of traffic fatality cases where the at-fault driver received only payable citations. Senate Bill 315 extends respect and recognition to injured victims and next of kin by giving them their day in court.

This bill does not change the responsibilities or restrictions on drivers or cyclists. Their respective obligations to follow the rules of the road remain the same. But it continues our legislature's pattern of increasing roadway safety for cyclists and other vulnerable users by extending protections already afforded to other vulnerable users in similar circumstances.

I strongly urge this Committee to issue a favorable report on SB315.

Sincerely,

Kyle O'Grady  
Felony Trial Division  
Assistant State's Attorney